

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/955,315	
	Filing Date	9/19/2001	
	First Named Inventor	Brigitte Bathe	
	Art Unit	1652	
	Examiner Name	Kerr, Kathleen	
Total Number of Pages in This Submission		Attorney Docket Number	032301.227

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brandon C. Boss - Reg. 46,567
Signature	
Date	February 3, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Bridgette Bathe

Examiner: Brinson, P

App. No.: 09/955,315

Group Art Unit: 1652

Filed: September 19, 2001

For: NUCLEOTIDE SEQUENCES WHICH CODE FOR THE DPS GENE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

This is in response to the Office Action mailed January 9, 2004 regarding the above identified patent application. The Office Action required Applicants to restrict prosecution of the claims in this application to:

- Group I. Claims 1-12 and 27, drawn to polynucleotides coding for the dps gene which encodes a DNA protection protein activity, vectors and host cells thereof, classified in class 536, subclass 23.1
- Group II. Claims 13-26, drawn to methods of making L-amino acids, classified in class 435, subclass 106.
- Group III. Claims 28-29, drawn to methods for isolating nucleic acids related to the dps gene, classified in class 435, subclass 6.

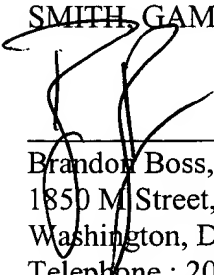
Applicants hereby elect Group I (claims 1-12 and 27 drawn to polynucleotides coding for the dps gene which encodes a DNA protection protein activity, vectors and host cells thereof, classified in class 536, subclass 23.1).

Applicants reserve the right to file divisional applications for the non-elected claims in due course.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

Date : February 2, 2004



Brandon Boss, Reg. No. 46,567*
1850 M Street, NW – Suite 800
Washington, DC 20036
Telephone : 202/263-4300
Facsimile : 202/263-4329

* Practice is limited to matters and proceeding before federal courts and agencies.